

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

DANIEL J. KETNER,)
v. Plaintiff,) No. 1:13-cv-0440-TWP-TAB
HOOSIER TRUCK & TRAILER)
SERVICES, et al.,)
Defendants.)

Entry Discussing Selected Matters

I.

The renewed request to proceed *in forma pauperis* [Dkt. 19] is denied as unnecessary because the court granted the earlier request to proceed *in forma pauperis* on March 21, 2013.

II.

The renewed motion for appointment of counsel [Dkt. 16] is denied for the reasons explained in the Entry of April 17, 2013.

III.

The plaintiff's motion for court order to secure access to law library [Dkt. 18] is denied because this lawsuit is neither a challenge to the lawfulness of the plaintiff's confinement nor to the conditions of his confinement, meaning that he has no right to access to the courts in connection with this case. *Lewis v. Casey*, 518 U.S. 343, 353-55 (1996), confirms that the fundamental right of access to the courts is not a guarantee to prisoners of law libraries or legal assistants per se, but rather the conferral of a capability--"the capability of bringing contemplated challenges to sentences or conditions of confinement before the courts."

IV.

The plaintiff was notified that only claims arising under state law were discerned in his complaint and he was given a period of time in which to either withdraw the complaint or show cause why the complaint should not be dismissed for lack of subject matter jurisdiction. Rather than respond to these directions, he has filed the repetitive motions noted above and noted in the Entry of April 24, 2013.

The plaintiff is proceeding without counsel, has submitted both this case and No. 2:13-cv-127-WTL-MJD, and may be confused about what claims he is asserting and what judicial forum is available for that purpose. He shall have a further period of time in this case, **through May 24, 2013**, in which to either withdraw the complaint or show cause why the complaint should not be dismissed for lack of subject matter jurisdiction. As he responds to directions in both this case and in No. 2:13-cv-127-WTL-MJD, the plaintiff should **be precise** as to which case he submits materials for filing.

IT IS SO ORDERED.

Date: 05/01/2013

Tanya Walton Pratt
Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

Daniel J. Ketner
DOC #199397
Putnamville Correctional Facility
Inmate Mail/Parcels
1946 West U.S. 40
Greencastle, IN 46135-9275